

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID TARRENCE, AND TAMARA GEIS,

Plaintiffs,

vs.

CITY OF LINCOLN, a Political Subdivision of the State of Nebraska; ANTHONY GRATZ, individually and in his official capacity as an employee of the City of Lincoln and an Investigator with the Lincoln/Lancaster County Narcotics Task Force; CHRISTOPHER MONICO, individually and in his official capacity as an employee of the City of Lincoln and an Investigator with the Lincoln/Lancaster County Narcotics Task Force; DAREN REYNOLDS, individually and in his official capacity as an employee of the City of Lincoln and a Sergeant with the Lincoln/Lancaster County Narcotics Task Force; CHRISTOPHER R. PETERSON, AND individually and in his official capacity as Coordinator and Supervisor, Lincoln/Lancaster County Narcotics Task Force; and MICHON MORROW, individually and in his official capacity as an employee of the City of Lincoln and a police Captain with the City of Lincoln;

Defendants.

4:16CV3056

ORDER

Timothy Sullivan has moved to withdraw as Plaintiffs' counsel in this case. ([Filing No. 60.](#)) Mr. Sullivan has advised the Court that he has a conflict which prevents him from being able to represent Plaintiffs in an ethical fashion. Mr. Sullivan has also advised that Plaintiffs have indicated that they will seek other counsel to represent them. To date, however, substitute counsel has not entered an appearance on behalf of Plaintiffs. Defendants do not object to Mr. Sullivan's withdrawal from this case. Under these circumstances, the motion to withdraw will be granted.

Accordingly,

IT IS ORDERED:

1. Mr. Sullivan's Unopposed Motion for Leave to Withdraw as Attorney ([Filing No. 60](#)) is granted.

2. Mr. Sullivan shall immediately serve copies of this Order on Plaintiffs and thereafter file proof of service showing compliance with this Order, listing the names and addresses of the persons to whom notice was sent. Mr. Sullivan will not be relieved of applicable duties to the Court, Plaintiffs, and opposing counsel until proof of service is filed.

3. Upon the filing of proof of service pursuant to Paragraph 2 of this Order, Plaintiffs will be deemed to be proceeding *pro se*, that is, without the assistance of counsel, unless substitute counsel has entered a written appearance on their behalf. If substitute counsel has not entered a written appearance, Plaintiffs shall file a written notice with the clerk of court of Plaintiffs' current address and telephone number within five (5) business days of being served with this Order. Plaintiffs may retain substitute counsel at any time. However, until such time as substitute counsel enters a written appearance, Plaintiffs shall comply with all orders of this Court, the Federal Rules of Civil Procedure, and the Local Rules of Practice. Failure to comply with these requirements may result in the imposition of sanctions, including payment of costs and attorney's fees and/or the entry of default.

4. Upon Mr. Sullivan's submission of proof of service as described in Paragraph 2 of this Order, the clerk of court shall terminate Mr. Sullivan's appearance as counsel and cease further notices to him in this matter.

5. Plaintiffs' Unopposed Motion for Extension of Time to File Rule 26 Planning Report ([Filing No. 62](#)) is granted. The parties shall file their Rule 26 Planning Report within thirty (30) days of Mr. Sullivan's submission of the proof of service described in Paragraph 2 of this Order.

6. The clerk of court is directed to set a case management deadline in this case using the following text: “March 1, 2017: Check for Proof of Service and Rule 26 Report.”

Dated this 31st day of January, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge